

ROCHESTER CITY COUNCIL

REGULAR MEETING

May 19, 2015

Present - President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Patterson, Spaul - 8

Absent - Councilmember Ortiz - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

**DES**

\*Jeffery Raymond Magee, Sr.

\*William C. McCray

**RFD**

\*Robert P. Duemmel

**RPD**

\*Frank J. Adorante

\*Lourdes Baez

\*Timothy C. O'Halloran

\*Nelson V. Soto

\*Lorraine A. Strem

\*Angel A. Vazques

*\*Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of April 14, 2015 and the Special Meeting of April 23, 2015 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS  
AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 4181-15  
Quarterly Reports (3)  
Delinquent Receivables 4182-15  
Schedule of Revenue and Expenditures 4183-15  
Professional Services Agreements Less Than or Equal to \$10,000 4184-15  
Public Disclosure - HOME Participation 4185-15

The Council submits Disclosure of Interest Forms from Councilmember Haag on Int. Nos. 147 through 150, Councilmember Palumbo on Int. No. 145 and on Int. Nos. 147 through 150 and Councilmember Spaul on Int. Nos. 147 through 150.

**THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND  
OTHER COMMUNICATIONS.**

Councilmember Patterson submits 50 signatures for resident only parking from P.A.C.K Neighborhood Group. Petition No. 1708

Councilmember Spaul submits 32 signatures opposing the proposed parking rate hike at the East End Garage Petition No. 1709

Councilmember McFadden submits 80 signatures in favor of the police participating in a community based racial justice training that consists of members of the RPD and Rochester residents. Petition No. 1710

**PUBLIC HEARINGS.**

Pursuant to law, public hearing will now be had on the following matter:

Local Improvement Ordinance – establishing the operating and maintenance costs of neighborhood commercial or residential parking areas as amended Int. No. 175 No speakers

Local Improvement Ordinance for the continuation of Local Improvement Ordinance No. 1382 relating to the Lyell Avenue Commercial Parking Lot Int. No. 175A No speakers.

Approving the Consolidated Community Development Plan 2015-16 Annual Action Plan and the 2015-16 through 2019-20 Consolidated Community Development Plan Int. No. 147 No speakers

Authorizing the submission of the Consolidated Community Development Plan 2015-16 Annual Action Plan and the 2015-16 through 2019-20 Consolidated Community Development Plan and

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execution of grant agreements with the United States Department of Housing and Urban Development    Int. No. 148    No speakers.

Appropriation of funds for the City Development Fund    Int. No. 149    No speakers

Authorizing Amended Consolidated Community Development Program Annual Action Plans  
Int. No. 150    No speakers.

Local Improvement Ordinance establishing the cost of the special work and services of the  
Downtown Enhancement District    Int. No. 166    No speakers.

#### REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
May 19, 2015

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 137 - Approving the apportionment of taxes and charges

Int. No. 138 - Amending Chapter 90 of the Municipal Code with respect to fees for inspections

Int. No. 139 - Amending Ordinance No. 2013-404 which authorized the extension of the tax exemption and payment in lieu of tax agreement for the St. Bernard's Housing Project

Int. No. 140 - Resolution approving appointment to the Civil Service Commission

Int. No. 178 - Determining and certifying base proportions, current percentages, and base percentages for the 2015 Assessment Roll

Int. No. 179 - Determining and certifying base proportions, assessed value, and net changes in assessed value for the 2015 Assessment Roll

Int. No. 180 - Authorizing an agreement with the Dormitory Authority of the State of New York for receipt and use of grant funds

The Finance Committee recommends for Consideration the following entitled legislation:

Int. No. 175 - Local Improvement Ordinance – establishing the operating and maintenance costs of neighborhood commercial or residential parking areas as amended

Int. No. 175A - Local Improvement Ordinance for the continuation of Local Improvement Ordinance No. 1382 relating to the Lyell Avenue Commercial Parking Lot

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The following entitled legislation is being held in committee:

Int. No. 182 - Official Action Ordinance regarding the planning expenses for Phase II of the Rochester Joint Schools Construction Board Facilities Modernization Program

Respectfully submitted,  
Carla M. Palumbo  
Jacklyn Ortiz  
Dana K. Miller  
Loretta C. Scott  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-115  
Re: Apportionment of Taxes and Charges -  
Subdivided or Combined Properties

Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 117 properties. This apportionment has been certified by the Assessor and is authorized by Section 6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in fiscal year 2014-15. These taxes and charges, which total \$202,176.91, will be added to the new accounts established by the subdivisions or combinations of the former accounts. The list of affected properties is attached.

If the proposed apportionment is approved, the taxes and charges will be added to the July 2015 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2015.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-68

Ordinance No. 2015-115  
(Int. No. 137)

**Approving the apportionment of taxes and charges**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

May 19, 2015

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester, pursuant to Section 6-78 of the Charter of the City of Rochester on April 1, 2015, in accordance with the list which is available in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-116  
Re: Code Amendment - Repealing Property  
Inspection Fees

Transmitted herewith for your approval is legislation repealing Section 90-21 of the Municipal Code with regard to property inspection fees. This section of the Code authorizes the City to impose an inspection fee, also known as a case management fee, of \$100 in any case where a notice and order has not been complied with by the property owner within one year.

In a recent court case *D'Alessandro v Kirkmire*, the New York State Appellate Division, Fourth Department ruled that this ordinance was unconstitutional because it imposed a penalty without the necessary opportunity to contest the penalty through a due process review.

This revision of the Municipal Code is necessary to bring the Code into compliance with the court's ruling on constitutional law. This revision only affects the section of the Code that authorizes a property inspection fee. Property owners are still required to maintain their property in accordance with the Code and to comply with notices and orders issued by the City to correct violations. Those who fail to correct violations are subject to ticketing and fines. Those fines are imposed through a process that meets constitutional requirements by giving the owner the opportunity to request a hearing and present evidence to contest the fine before the Municipal Code Violations Bureau (MCVB) pursuant to Chapter 13-A of the Municipal Code. Chapter 13-A also gives the owner the right to a hearing, an appeal to the MCVB Appeals Board, and a review in court under Civil Practice Law and Rules Article 78.

This court ruling and the proposed amendment is not expected to significantly restrict the City's ability to enforce the Code.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-69

Ordinance No. 2015-116  
(Int. No. 138)

**Amending Chapter 90 of the Municipal Code with respect to fees for inspections**

BE IT ORDAINED by the Council of the City of Rochester as follows:

May 19, 2015

Section 1. Section 90-21 of the Municipal Code titled “fees for inspections” is hereby repealed in its entirety.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-117  
Re: Amending Ordinance No. 2013-404 -  
St. Bernard’s Housing Project

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing

Transmitted herewith for your approval is legislation amending Ordinance No. 2013-404 to correct the tax exemption and payment in lieu of tax (PILOT) agreement for the St. Bernard’s Housing Project. In 2013, City Council authorized the extension of the tax exemption and in lieu of tax agreement for this affordable housing project, applying it to a parcel at 2260 Lake Avenue. The St. Bernard’s Housing Project also includes the adjoining parcel at 2280 Lake Avenue, however, and Ordinance No. 2013-404 was intended to cover both parcels.

This amendment, therefore, is a technical amendment to correct the property description for the purposes of the tax exemption. Both parcels have been covered by the PILOT agreement since the project was developed, so this correction will not affect payments to the City.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-117  
(Int. No. 139)

**Amending Ordinance No. 2013-404 which authorized the extension of the tax exemption and payment in lieu of tax agreement for the St. Bernard’s Housing Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 1 of Ordinance No. 2013-404 is hereby amended to read as follows:

*Ordinance No. 2013-404*

*Section 1. The Council hereby approves the extension of the tax exemption authorized by Ordinance No. 1995-325 for the parcel at 2260 Lake Avenue, SBL No. 75.670-1-2.4, and the parcel at 2280 Lake Avenue, SBL No. 75.67-1-2.3, the site of the St. Bernard’s Housing Project, until June 2017.*

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2015-9

Re: Appointment - Civil Service Commission

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation confirming the appointment of Fernàn R. Cepero, 109 Linden Street, Rochester, New York 14620, to the Civil Service Commission. He will fill a position that was most recently held by Diane Larter, whose term has expired.

Mr. Cepero's term will extend to May 31, 2021. A copy of his resume is available for review in the Office of the City Clerk.

A summary description of the Civil Service Commission and its current membership is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-70

Resolution No. 2015-9  
(Int. No. 140)

**Resolution approving appointment to the Civil Service Commission**

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment to the Civil Service Commission of the following person for a term that expires on May 31, 2021:

<u>Name</u>	<u>Address</u>
Fernan R. Cepero	109 Linden Street

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-118 and  
Ordinance No. 2015-119

Re: Tax Apportionment Assessment  
Classes - Tax Shift

Council Priority: Deficit Reduction and  
Long Term Financial Stability

May 19, 2015

Transmitted herewith for your approval is legislation certifying certain calculations related to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves the determination of the “base proportion.” In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2014 data. The second is the calculation of the adjusted base proportions using 2014 and 2015 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead:	.4268639
Non-Homestead:	.5731361
Total:	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead:	.4256026
Non-Homestead:	.5743974
Total:	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated to each class:

Homestead:	-0.02
Non-Homestead:	+0.02

These calculations have been reviewed by the New York State Office of Real Property Services.

The actual tax burden is also determined by the tax levy and final assessment changes. These figures will be detailed in the proposed budget to be released on May 15, 2015.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-71

Ordinance No. 2015-118  
(Int. No. 178)

**Determining and certifying base proportions, current percentages, and base percentages for the 2015 Assessment Roll**

BE IT ORDAINED, by the Council of the City of Rochester, as follows:

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City’s 2015 Assessment Roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Current base proportions	42.68639%	57.31361%



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Current percentage	61.10490%	38.89510%
Base percentage	52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Equalization and Assessment.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2015-119  
(Int. No. 179)

**Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2015 Assessment Roll**

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net changes in assessed value for the City's 2015 Assessment Roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion	.4256026	.5743974
Taxable assessed value	3,624,234,732	2,355,796,695
Net change in assessed value from 2014 resulting from physical and quantity changes	+1,595,400	+9,972,452
Net change in assessed value from 2014 resulting from other than physical and quantity changes	-2,093,900	-16,086,810

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Real Property Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-120  
Re: Grant Agreement- Dormitory Authority  
of the State of New York, Capital Projects

Council Priority: Public Safety; Jobs and

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## Economic Development

Transmitted herewith for your approval is legislation related to \$20,700,000 in assistance from the Dormitory Authority of the State of New York (DASNY). This legislation will:

1. Authorize the City's applications to DASNY to fund capital projects, and
2. Authorize any necessary agreements with DASNY for the receipt and use of grant funds.

Secured through the efforts of the New York State Assembly, this \$20,700,000 in capital assistance from DASNY will be used during the 2015-16 fiscal year of the proposed five-year, 2016-20 Capital Improvement Program. The City will apply for support through three funding streams as outlined below.

- \$7,160,000 in New York State Technology and Development Program funds for capital costs associated with police body cameras, the purchase and installation of various equipment, and technology improvements.
- \$13,340,000 in State and Municipal Facilities Program funds for capital costs associated with various infrastructure improvements and the purchase of police vehicles.
- \$200,000 in Community Capital Assistance Program funds for capital costs associated with a feasibility study for the Bulls Head Development Project.

No matching funds are required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-120  
(Int. No. 180)

### **Authorizing an agreement with the Dormitory Authority of the State of New York for receipt and use of grant funds**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to apply for grants and to enter into an agreement or agreements with the Dormitory Authority of the State of New York for receipt and use of \$20,700,000 in grant funds to be used for capital projects to be identified in the City Capital Improvement Program. The amount and terms of the agreement may be adjusted if necessary due to availability of funds or other requirements of the grantor.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1703 and

Local Improvement Ordinance No. 1704

Re: Special Assessment District Parking Lots

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing special assessment district neighborhood commercial and residential parking lots and appropriating \$57,255 for the operation and maintenance of the parking lots during 2015-16.

Most of the City's Special Assessment District parking lots were established by City Council in 1979, as follows: Culver/Merchants, Monroe Avenue/Oxford Square Lot, North Street, Lyell Avenue and Woodside/Goodwill. A sixth lot was created in 2011-12 for Mt. Hope Avenue in the College Town district. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting and parking regulation enforcement. These services are provided either by City personnel, private companies under contract to the City, or the property owners themselves.

The Lyell Avenue Special Assessment District is expiring April 30, 2015. This legislation will renew the District for an additional 10 years.

The total assessments required and total appropriation for 2015-16 is:

<u>Lot Name</u>	<u>15/16 Budget</u>	<u>14/15 Budget</u>	<u>Variance</u>	<u>Reason</u>
Lyell Avenue	\$10,345	\$ 9,745	\$ 600	Snowplowing and lot repairs
Monroe/Oxford	16,200	16,200	0	n/a
Woodside/Goodwill	11,760	8,810	2,950	Insurance increase and asphalt repairs
Culver/Merchants	9,780	6,900	2,880	Snowplowing and lot repairs
North Street	12,850	14,400	-1,550	14/15 Fence was replaced, 15/16 Asphalt repair
Mt. Hope	<u>1,000</u>	<u>1,000</u>	<u>0</u>	n/a
SUBTOTAL	\$61,935	\$57,055	\$4,880	
Culver/Merchants	0	-6,900	6,900	Prior years carry over
Monroe/Oxford	<u>-2,900</u>	<u>-2,200</u>	<u>-700</u>	Prior years carry over
TOTAL	\$59,035	\$47,955	\$11,080	

A summary of appropriations by district is attached.

A public hearing is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-72

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Local Improvement Ordinance No. 1703  
(Int. No. 175, as amended)

**Local improvement ordinance - establishing the operating and maintenance costs of neighborhood commercial or residential parking areas**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the local improvement ordinances, and said new assessments are hereby appropriated from the LIO Parking Lots Fund for the operation and maintenance of parking areas and neighborhood commercial or residential parking lots during 2015-16:

<u>Parking Lots</u>	<u>Assessment</u>	<u>Prior Years Amounts</u>	<u>Appropriation</u>
North Street Commercial Lot	\$12,850	\$ 0	\$12,850
Monroe Avenue/Oxford Square Off-Street Lot	13,300	2,900	16,200
Culver/Merchants Commercial Lot	<del>8,000</del> <u>9,780</u>	0	<del>8,000</del> <u>9,780</u>
Woodside/Goodwill Street Off-Street Lot	11,760	0	11,760
Lyell Avenue Commercial Lot	10,345	0	10,345
Mt. Hope Commercial Lot	1,000	0	1,000
Total	<del>\$57,255</del> <u>59,035</u>	\$2,900	<del>\$60,155</del> <u>61,935</u>

Section 2. This ordinance shall take effect on July 1, 2015.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

Local Improvement Ordinance No. 1704  
(Int. No. 175A)

**Local Improvement Ordinance for the continuation of Local Improvement Ordinance No. 1382 relating to the Lyell Avenue Commercial Parking Lot**

WHEREAS, by Local Improvement Ordinance No. 1382, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Lyell Avenue Commercial Parking Lot, and extended it by Local Improvement Ordinance No. 1548; and

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of ten years.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Local Improvement Ordinance No. 1382, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Lyell Avenue Commercial Parking Lot, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2015 and ending June 30, 2025.

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Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 182 from committee.

The motion was seconded by Councilmember Palumbo.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-121

Re: Spending Authorization - Rochester  
Schools Modernization Program

City Council Priority: Support the  
Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation related to the Rochester Schools Modernization Program (RSMP). This legislation will:

1. Authorize the reimbursement of costs incurred for preliminary expenses in the planning and development of Phase II school projects; and
2. Authorize a Municipal Cooperation Agreement between the City of Rochester, the Rochester City School District (RCSD) and the Rochester Joint Schools Construction Board (RJSCB) for reimbursement to the RCSD of funds provided to the RJSCB for initial Phase II costs from the proceeds of a Bond Anticipation Note (BAN) expected to be issued by the City of Rochester in October 2015.

The RJSCB was created by Chapter 416 of the Laws of 2007 of the State of New York ("the Act") for the design, reconstruction, or rehabilitation of school buildings (collectively known as the "Phase I Projects"). The State legislation provided for a maximum cost and bond authorization of up to \$325 million.

Legislation for Phase II of the RSMP was signed into law by the Governor on December 17, 2014 and authorized up to 26 projects in Phase II of the RSMP. This includes a District Wide Technology Program involving technology upgrades and infrastructure work at several of the Phase II schools. The total cost authorized for Phase II projects is a maximum of \$435 million.

Authorization to incur preliminary expenses for the RJSCB Phase II program is requested at this time to enable a continuous transition from the Phase I projects to the Phase II projects at Monroe and East High Schools, and to minimize the time that Monroe High School students are relocated to "swing space" at Marshall High School. The Monroe campus includes School #15 which will be included in the initial work planned. City Council must authorize expenditures in advance if such expenditures will eventually be reimbursed with the proceeds of City BANs or Bonds.

The RCSD and RJSCB expect to incur preliminary expenses in the planning and development of the Phase II school projects (collectively known as the "Initial Projects") and pending the availability of

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the proceeds of the Phase II Bonds, have requested that the City loan funds to RCSD to reimburse the costs of the following:

- Professional fees and planning expenses incurred in preparation for the substantial rehabilitation of East High School, Monroe High School and School #15;
- Implementation of the District Wide Technology Program, Phase II A; and
- Expenses incurred in connection with the development of the Phase II “Master Plan”.

The Municipal Cooperation Agreement will authorize RCSD to provide preliminary funding to the RJSCB for the Initial Projects in an amount not to exceed \$2.7 million. It also authorizes reimbursement to RCSD from the proceeds of BANs if and when City Council authorizes issuance of the BANs. BAN issuance is currently planned for October 2015. RJSCB and RCSD must meet specified terms and conditions, as determined by the State, prior to the time City Council will be requested to authorize issuance of the BANs. The estimated amount of the BANs is approximately \$16 million. The balance of approximately \$13.3 million will be used for the design costs for additional Phase II schools, as yet to be determined by the RJSCB Phase II Program Manager in concurrence with the City and the RCSD.

BANs to be issued by the City will mature before or at the legally maximum period of one year. This will provide temporary financing to pay costs for the RSMP until the long-term financing bonds are issued, according to the parameters of the Act. At that time, the New York State Education Department will have determined the amount of State Building Aid to be reimbursed for these projects, and the timing and amount of that annual inflow of aid can be matched more closely to the debt service payments on long-term bonds. It is anticipated that the RJSCB will issue bonds through the County of Monroe Industrial Development Agency and those proceeds will be used to pay off the BANs proposed herein.

All costs related to issue the bonds and interest, as well as repayment of the bonds, will be the responsibility of the RCSD.

Transmitted herewith are the resolutions authorizing participation in the Municipal Cooperation Agreement adopted by the RJSCB on May 4, 2015 and the RCSD Board of Education on May 7, 2015.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-73

Ordinance No. 2015-121  
(Int. No. 182)

**Official Action Ordinance regarding the planning expenses for Phase II of the Rochester Joint Schools Construction Board Facilities Modernization Program**

WHEREAS, the City of Rochester, in the County of Monroe, New York (the "City") has cooperated with the Rochester City School District (the “School District”) and the Rochester Joint Schools Construction Board (the “RJSCB”) in furtherance of the School District’s Facilities Modernization Program, and

WHEREAS, the RJSCB was created by the “Rochester School Facilities Modernization Program Act” (Chapter 416 of the Laws of 2007, as amended by Chapter 533 of the Laws of 2014) (the “Act”). Pursuant to the Act, the RJSCB is authorized to manage the design, reconstruction or rehabilitation of existing school buildings for their continued use as schools of the School District (the “Facilities Modernization Program” or “Program”), and to create, coordinate efforts to enable compliance with, and monitor and report on, a program-wide diversity plan for the Program. RJSCB, the School District and the City have entered into a Cooperative Agreement dated as of February 22, 2010 (the “Cooperative Agreement”) in order to clarify the agency arrangement and delegation of authority among the School District, the City and the RJSCB, as well as their respective obligations and expectations to achieve the objectives of the Act, and

WHEREAS, the County of Monroe Industrial Development Agency (“COMIDA”) has issued approximately \$282,155,000 School Facility Revenue Bonds (Rochester Schools Modernization Project) in three (3) segments for Phase I of the Program (the “Phase I Bonds”) and the Act has been amended to authorize an additional \$435,000,000 in indebtedness to fund Phase II of the Program (the “Phase II Bonds”).

BE IT ORDAINED by the Council of the City of Rochester as follows:

Section 1. The School District and RJSCB expect to incur preliminary expenses in the planning and development of the Phase II school projects and, pending the availability of the proceeds of the Phase II Bonds, have requested that the City loan funds to the School District to reimburse the costs of (i) professional fees and planning expenses incurred in preparation for the substantial rehabilitation of East High School, Monroe High School and School #15, (ii) implementation of the District Wide Technology Program, Phase II A and (iii) expenses incurred in connection with the development of the Phase II “Master Plan” (collectively, the “Initial Projects”). The estimated preliminary costs for the planning and design of the Initial Projects is approximately \$16,000,000, not more than \$2,700,000 of which may be expended prior to hiring the new Project Manager for Phase II.

Section 2. The City intends to finance those expenses, following the hiring of the Project Manager for Phase II, in October of 2015 with the proceeds of the issuance and sale of its tax exempt Bond Anticipation Notes (“BANs”), expected to be repaid from the proceeds of the Phase II Bonds. This Ordinance is a declaration of “official intent” adopted pursuant to the requirements of Treasury Regulation 1.150-2 in order to qualify current expenses incurred for reimbursement with the proceeds of the BANs and the Phase II Bonds. Issuance of the City’s BANs shall be authorized by a subsequent ordinance of the City Council.

Section 3. To effectuate the foregoing, the Mayor is hereby authorized to enter into a Municipal Cooperation Agreement among the City, the School District and RJSCB, in form and substance to be approved by the City’s Corporation Counsel.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

May 19, 2015

By Councilmember Palumbo  
May 19, 2015

To the Council:

The Neighborhood & Business Development Committee recommends for Adoption the following entitled legislation:

Int. No. 141 - Authorizing the sale of real estate

Int. No. 142 - Authorizing the acceptance of real estate by donation

Int. No. 143 - Authorizing a lease agreement and amended lease agreements for space in the Port Terminal Building as amended

Int. No. 144 - Authorizing an agreement with the Landmark Society of Western New York, Inc. for a website update for the promotion of City neighborhoods and housing programs

The following entitled legislation is being held in committee:

Int. No. 145 - Authorizing an agreement and appropriating funds from the 2015-16 Consolidated Community Development Plan for landlord/tenant services

Int. No. 146 - Authorizing an agreement and appropriating funds for the Foreclosure Prevention Program

Int. No. 147 - Approving the Consolidated Community Development Plan 2015-16 Annual Action Plan and the 2015-16 through 2019-20 Consolidated Community Development Plan

Int. No. 148 - Authorizing the submission of the Consolidated Community Development Plan 2015-16 Annual Action Plan and the 2015-16 through 2019-20 Consolidated Community Development Plan and execution of grant agreements with the United States Department of Housing and Urban Development

Int. No. 149 - Appropriation of funds for the City Development Fund

Int. No. 150 - Authorizing Amended Consolidated Community Development Program Annual Action Plans

Respectfully submitted,  
Carla M. Palumbo  
Michael A. Patterson  
Dana K. Miller  
Loretta C. Scott  
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:



May 19, 2015

Ordinance No. 2015-122  
Re: Sale of Real Estate

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of two properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a vacant lot sold by negotiated sale to the adjacent owner. The owner will combine this lot with their existing property.

The second property is an unbuildable vacant lot, being sold for \$1.00 (as per City policy) to the adjacent owner who will combine the lot with their existing property.

The first year projected tax revenue for these two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$698.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-74

Ordinance No. 2015-122  
(Int. No. 141)

**Authorizing the sale of real estate**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcel of vacant land with proposal:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
256 Avenue C	091.77-3-12	40x120	4,800	\$425	Luis A. Ofray

Section 2. The Council hereby approves the negotiated sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
7 Fulton Avenue	105.60-1-35	45x59	2,102	Community Facilities, Inc.*

May 19, 2015

Officers: Mark H. Fuller, President; James M. Whalen, CFO/Treasurer

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-123

Re: Real Estate Donations

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the acceptance by donation of certain real properties from the seller, Wells Fargo Bank, NA. Council authorization is necessary to accept the following parcels:

<u>Address</u>	<u>Purpose</u>
47 Ripley Street	Surplus Auction Sale
52 Miller Street	Sale to adjoining owners

Accepting these donations will allow the City to continue to manage the disposition of salvageable properties in various neighborhoods. The single family home at 47 Ripley Street is in the Beechwood Focused Investment Strategy Area and can be marketed and sold to a buyer who would rehabilitate the property within twelve months and obtain a Certificate of Occupancy. The vacant lot at 52 Miller Street can be combined with the City owned lot at 46 Miller Street and offered for sale to the adjoining owners for additional green space.

Upon acquisition by the City, any taxes or charges levied after the date of closing will be canceled. The property is to be conveyed with no other outstanding liens or encumbrances

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-75

Ordinance No. 2015-123  
(Int. No. 142)

**Authorizing the acceptance of real estate by donation**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

May 19, 2015

Section 1. The Council hereby authorizes the acceptance of the donation of real estate parcels from the Wells Fargo Bank NA as follows:

<u>Address</u>	<u>SBL No.</u>	<u>Purpose</u>
47 Ripley St.	106.68-2-6	Surplus auction sale
52 Miller St.	106.43-1-43	Sale to adjoining owner

Section 2. Upon transfer of title to the City, any City taxes and other City charges, against said properties are hereby canceled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-124  
Re: Lease Agreement and Amending  
Ordinance No. 2014-274 - Port  
Terminal Building

Transmitted herewith for your approval is legislation authorizing a one-year lease agreement between the City and CheeWay LLC, d/b/a Cheeburger Cheeburger and amending Ordinance No. 2014-274. Cheeburger Cheeburger has operated in the Port Terminal Building since 2005. The restaurant will continue to occupy approximately 2,886 square feet of space and their new lease will have a term of one-year with four, one-year renewal options. The rental rate for the first year will be reduced due to disruptions to the business operation of the commercial tenant as a result of the marina construction project. Following the first year of the lease, the construction is anticipated to be substantially complete and the rent will increase accordingly. The rental rate will be \$1,187.50 per month for the first year of the lease with subsequent renewals at \$2,375 per month.

This ordinance will also amend Ordinance No. 2014-274 to extend the reduced rental rate for California Rollin' and Abbotts Frozen Custard for an additional year as a result of the construction delays associated with the marina construction project. California Rollin' and Abbott's Frozen Custard will continue their current rental rate of \$1,125 and \$475 per month, respectively.

The original construction schedule estimated that the marina would be complete in the spring/summer of 2015; delays have pushed the completion date out one year to the spring/summer of 2016.

The rental rates were established by an independent appraisal by Kevin Bruckner, MAI, as of May 3, 2014.

The Mayor is hereby authorized to amend the terms of the agreement and the existing agreements as required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

May 19, 2015

Attachment No. AO-76

Ordinance No. 2015-124  
(Int. No. 143, as amended)

**Authorizing a lease agreement and amended lease agreements for space in the Port Terminal Building**

WHEREAS, the City of Rochester has received proposals for the continued lease of space in the Port Terminal Building; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed leases; and

WHEREAS, the terms of the leases are reasonable and necessary in light of their intended purpose and the public will benefit throughout the term of the leases.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the lease agreement with Abbott's Frozen Custard, Inc. for the lease of approximately 750 square feet of commercial space on the first floor of the Port Terminal Building authorized by Ordinance No. 2014-274. The amendment shall provide that the first renewal year shall be at a monthly rent of \$475, and any additional renewal periods shall be at a monthly rent of \$950.

Section 2. The Council hereby further approves an amendment to the lease agreement with California Rollin II for the lease of approximately 2,088 square feet of commercial space on the first floor of the Port Terminal Building authorized by Ordinance No. 2014-274. The amendment shall provide that the first renewal year shall be at a monthly rent of \$1,125, and any additional renewal periods shall be at a monthly rent of \$2,250.

~~Section 3. The Council hereby approves a lease agreement with CheeWay LLC dba Cheeburger Cheeburger. for the lease of approximately 2,886 square feet of commercial space in the Port Terminal Building for a period of one year at a monthly rental rate of \$1,187.50. The lease shall have four one-year renewal options and if renewed the monthly rental rate shall be \$2,375.~~

~~Section 4.~~ Section 3. The lease agreements shall contain such additional terms and conditions as the Mayor or her designee deems to be appropriate.

~~Section 5.~~ Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-125  
Re: Agreement - Landmark Society of  
Western New York, Inc., Website  
Redevelopment

May 19, 2015

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$11,042 as maximum compensation for an agreement with the Landmark Society of Western New York, Inc. to update the website that has hosted City Living Sundays to reflect the program's re-branding and greater outreach as Celebrate City Living. The cost of this agreement will be funded from the remaining balance of the Improve the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Block Grant appropriated by Ordinance No. 2005-309. The term of the agreement will be one year.

The Landmark Society of Western New York, Inc. will help promote Celebrate City Living by updating the website it originally developed for The Home Room, a City initiative. This website will now be used for the promotion and data analysis of Celebrate City Living. The website will collect data on participants using the site to research living in the city and maintain data on people attending Celebrate City Living, an annual event highlighting the benefits of living in the city. This data will be analyzed to plan for future innovations and improvements to the website and annual event.

As a partner in the Celebrate City Living Coalition and host of the Rochester City Living website, the Landmark Society of Western New York, Inc. is spearheading the website redevelopment. A Justification Statement for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-77

Ordinance No. 2015-125  
(Int. No. 144)

**Authorizing an agreement with the Landmark Society of Western New York, Inc. for a website update for the promotion of City neighborhoods and housing programs**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York, Inc. in an amount not to exceed \$11,042 with the Landmark Society of Western New York, Inc. for a website update and data collection for the promotion of City neighborhoods and housing programs. The cost of the agreement shall be funded by \$11,042 in unspent funds appropriated from the 2005-06 Community Development Block Grant by Ordinance No. 2005-309. The agreement shall have a term of one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately

Passed unanimously.

May 19, 2015

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 145  
Re: 2015-16 Consolidated Community  
Development Plan - Landlord Tenant  
Services

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Landlord Tenant Services program as described in the 2015-16 Annual Action Plan of the Consolidated Community Development Plan (Con Plan), contingent upon Council adoption of the Con Plan. This legislation will:

1. Appropriate \$85,000 from the Improve the Housing Stock and Property Conditions fund of the 2015-16 Con Plan for implementation of the Landlord Tenant Services program; and
2. Establish \$85,000 as maximum compensation for an agreement with the Legal Aid Society of Rochester, New York, Inc. to provide housing stabilization services to tenants and landlords.

The cost of the agreement will be financed from the appropriation herein.

The Legal Aid Society will serve as lead agency in partnership with Legal Assistance of Western New York. Services for both landlords and tenants include:

- Training for landlords on operating rental property as a business, and compliance with fair housing quality standards; and
- Eviction prevention services for tenants to re-establish or attain stable housing situations.

The City will enter into agreements for this program only with organizations that are in compliance with federal regulations. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly.

Agreement terms will be for nine months.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 145

**AUTHORIZING AN AGREEMENT AND APPROPRIATING FUNDS FROM THE 2015-16  
CONSOLIDATED COMMUNITY DEVELOPMENT PLAN FOR LANDLORD/TENANT  
SERVICES**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

May 19, 2015

Section 1. The Mayor is hereby authorized to enter into an agreement to implement the Landlord/Tenant Services Program with the Legal Aid Society of Rochester NY Inc. in a maximum amount of \$85,000. The term of the agreement shall be nine months. The agreement shall be funded by \$85,000 from the Improve Housing Stock and Property Conditions Fund of the 2015-16 Consolidated Community Development Plan, which amount is hereby appropriated for the program. If funds are not available or are less than anticipated the agreement amounts and terms shall be adjusted accordingly.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City will enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 3. This ordinance shall take effect immediately.

Held in committee

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 146  
Re: 2015-16 Consolidated Community  
Development Plan - Foreclosure  
Prevention Services

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to foreclosure prevention activities as described in the 2015-16 Consolidated Community Development Plan (Con Plan), contingent upon its adoption. This legislation will:

1. Appropriate a total of \$195,600 from the 2015-16 Improve Housing Stock and Property Conditions fund of the Community Development Block Grant (CDBG) of the Con Plan for implementation of foreclosure prevention services.
2. Establish maximum compensation for agreements with two agencies to provide foreclosure prevention services. The cost of these agreements will be financed from the funds appropriated herein.

<u>Agency</u>	<u>Amount</u>
The Housing Council in the Monroe County Area, Inc.	\$170,100
Empire Justice Center	<u>25,500</u>
	\$195,600

These two organizations are uniquely qualified. The Housing Council in the Monroe County Area, Inc. is a HUD-approved Housing Counseling Agency with the capacity to handle a large volume of cases. The Housing Council's services include review of households' financial circumstances and negotiation with lenders to resolve mortgage arrears. The Empire Justice Center is a leader in developing statewide standards for legal services for foreclosure prevention. The Empire Justice Center will provide legal advice and litigation services when required by analysis of clients' circumstances.

May 19, 2015

The City will enter into agreements for this program only with organizations that are in compliance with Federal regulations. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly.

Agreement terms will be for nine months.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 146

**AUTHORIZING AN AGREEMENT AND APPROPRIATING FUNDS FOR THE  
FORECLOSURE PREVENTION PROGRAM**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement to implement the Foreclosure Prevention Program with the Housing Council of the Monroe County Area, Inc. in a maximum amount of \$170,100.

Section 2. The Mayor is hereby authorized to enter into an agreement to implement the Foreclosure Prevention Program with the Empire Justice Center in a maximum amount of \$25,500.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$195,600, and said amount, or so much thereof as may be necessary, shall be funded from the Improve Housing Stock and Property Conditions Fund of the 2015-16 Consolidated Community Development Plan, which amount is hereby appropriated for the program. If funds are not available or are less than anticipated the agreement amounts and terms shall be adjusted accordingly.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City will enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 5. The agreements shall be for a term of nine months.

Section 6. This ordinance shall take effect immediately.

Held in committee

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 147,  
Introductory No. 148,  
Introductory No. 149 and  
Introductory No. 150  
Re: 2015-16 through 2019-20 Consolidated  
Community Development Plan and  
2015-16 Annual Action Plan

Council Priority: Rebuilding and



May 19, 2015

Strengthening Neighborhood Housing;  
Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the 2015-16 through 2019-20 Consolidated Community Development Plan and the 2015-16 Annual Action Plan. This legislation will:

1. Approve the 2015-16 through 2019-20 Consolidated Community Development Plan and the 2015-16 Annual Action Plan;
2. Authorize the submission of the Plans to the U.S. Department of Housing and Urban Development (HUD);
3. Authorize agreements with HUD for the receipt and use of grants to fund the Annual Action Plan;
4. Appropriate \$150,000 in Urban Development Action Grant principal and interest repayments projected to be received during the 2015-16 program year for the City Development Fund;
5. Amend the 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, and 2014-15 Consolidated Community Development Plan-Annual Action Plans by transferring Community Development Block Grant (CDBG) funds as follows: from 2008-09, \$4,283.43 from Job Creation/Youth Development allocation of General Community Needs and \$133,563.56 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund; from 2009-10, \$75,183.68 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund; from 2010-11, \$29,947.01 from the Job Creation/Youth Development allocation of General Community Needs; from 2011-12, \$23,609.97 of the Focused Investment Strategy allocation from the Neighborhood Asset Based Planning Fund; from 2012-13, \$27,165.50 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund and \$0.44 from the Employment Opportunity Training (Youth Training Academy) allocation of General Community Needs; from 2013-14, \$552,835 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund; and from 2014-15, \$1,392,772 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund and \$9,354.41 from the Job Creation/Youth Development allocation of General Community Needs to the Infrastructure Improvements allocation of General Community Needs for a total of \$2,248,715 of CDBG funds to a new line, Infrastructure Improvement allocation, for the respective years.

In addition, reprogram 2013-14, \$200,000 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund to the Demolition allocation of the Housing Development Fund. Reprogram 2013-14, \$25,000 and 2014-15 \$50,000 from Fire Department Small Equipment allocation of General Community Needs to Business Development Loan and Grant Program of Promote Economic Stability. Attached is a chart showing the reprogramming and transfer of funds.

6. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

May 19, 2015

The Consolidated Community Development Plan consists of a Strategic Plan and Annual Action Plans. The Plan addresses the U.S. Department of Housing and Urban Development's planning and application requirements for their formula grant programs, which include: the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Program, and Housing Opportunities for Persons with AIDS. HUD requires jurisdictions to prepare multi-year strategies and one year action plans for use of federal funds. The Strategic Plan covers the period July 1, 2015 through June 30, 2020. The Annual Action Plan covers the period July 1, 2015 through June 30, 2016.

The Annual Action Plan describes specific projects and activities that will be undertaken in the coming year with federal funds to address priority needs. Community input was solicited at public meetings held on January 14, 20 and 22, 2015. In addition, 10 focus group meetings were held and a survey was available on-line and in print for public comment.

The estimated total of funds available for 2015-16 is \$14,314,798 from the following sources:

CDBG	\$ 7,791,818
HOME	1,758,789
Emergency Solutions Grant	709,872
HOPWA	680,604
CDF	150,000
CDBG Program Income	600,000
HOME Program Income	100,000
Reallocation of Prior Year CDBG Funds	<u>2,523,715</u>
Total	\$14,314,798

The amount of federal allocations, program income, City Development Fund and reprogrammed funds available to address the priority needs and strategies is estimated to be \$14,314,798. These funds will be used for the following purposes: Promote Economic Stability (\$1,380,000); Improve the Housing Stock (\$9,284,186); Respond to General Community Needs (\$2,686,115); and Other (\$964,497).

Significant allocation highlights include:

- \$1,030,000 for Business Development Financial Assistance Program
- \$2,248,715 for Infrastructure Improvements
- \$854,043 for the Homeownership Fund
- \$270,000 for Job Creation and Youth Development

Approval by the City Council of the Annual Action Plan is required by HUD. Approval of the City Development Fund is required by Resolution 83-26 (adopted May 24, 1983).

A public hearing on the 2015-16 through 2019-20 Consolidated Community Development Plan, the 2015-16 Annual Action Plan, and the reprogramming of funds is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 147

May 19, 2015

**APPROVING THE CONSOLIDATED COMMUNITY DEVELOPMENT PLAN 2015-16 ANNUAL ACTION PLAN AND THE 2015-16 THROUGH 2019-20 CONSOLIDATED COMMUNITY DEVELOPMENT PLAN**

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2015-16 Annual Action Plan to be financed with \$14,314,798 available to the City of Rochester from the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Program, Housing Opportunities for Persons with AIDS Program, Urban Development Action Grant loan and interest repayments, other program income and reallocation of prior year funds, and the 2015-16 through 2019-20 Consolidated Community Development Plan; and

WHEREAS, the proposed plans were prepared according to an approved Citizen Participation Plan and reflect public comments and consultations; and

WHEREAS, notice of the proposed plan was published in the Democrat and Chronicle on April 18, 2015; and

WHEREAS, citizens, public agencies and other interested parties were invited to submit comments by May 19, 2015; and

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2015-16 Annual Action Plan and the needs, strategies, proposed actions and annual performance and the 2015-16 through 2019-20 Consolidated Community Development Plan; and

WHEREAS, the City Council has reviewed the public comments and recommendations.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2015-16 Annual Action Plan and the 2015-16 through 2019-20 Consolidated Community Development Plan.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Held in committee

Introductory No. 148

**AUTHORIZING THE SUBMISSION OF THE CONSOLIDATED COMMUNITY DEVELOPMENT PLAN 2015-16 ANNUAL ACTION PLAN AND THE 2015-16 THROUGH 2019-20 CONSOLIDATED COMMUNITY DEVELOPMENT PLAN AND EXECUTION OF GRANT AGREEMENTS WITH THE UNITED STATE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

May 19, 2015

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2015-16 Annual Action Plan, and the 2015-16 through 2019-20 Consolidated Community Development Plan to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to provide any such information that may be required and to execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2015.

Section 2. This ordinance shall take effect immediately.

Held in committee.

Introductory No. 149

#### **APPROPRIATION OF FUNDS FOR THE CITY DEVELOPMENT FUND**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Consolidated Community Development Plan/2015-16 Annual Action Plan, the Council hereby appropriates the sum of \$150,000 in anticipated UDAG Loan Repayment Funds and reversionary interest payments and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Held in committee.

Introductory No. 150

#### **AUTHORIZING AMENDED CONSOLIDATED COMMUNITY DEVELOPMENT PROGRAM ANNUAL ACTION PLANS**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to prior year Consolidated Community Development Annual Action Plans as set forth below:

Amendments:

Amend the 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, and 2014-15 Consolidated Community Development Plan-Annual Action Plans by transferring Community Development Block Grant (CDBG) funds in the amount of 2008-09 \$4,283.43 from Job Creation/Youth Development allocation of General Community Needs, and \$133,563.56 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund; 2009-

May 19, 2015

10 \$75,183.68 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund; 2010-11 \$29,947.01 from the Job Creation/Youth Development allocation of General Community Needs; 2011-12 \$23,609.97 of the Focused Investment Strategy allocation from the Neighborhood Asset Based Planning Fund; 2012-13 \$27,165.50 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund and \$.44 from the Employment Opportunity Training (Youth Training Academy) allocation of General Community Needs; 2013-14 \$552,835 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund; and 2014-15 \$1,392,772 from the Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund and \$9,354.41 from the Job Creation/Youth Development allocation of General Community Needs to the Infrastructure Improvements allocation of General Community Needs for a total of \$2,248,715 of CDBG funds to a new line, Infrastructure Improvement allocation for the respective years. In addition, \$200,000 from the 2013-14 Focused Investment Strategy allocation of the Neighborhood Asset Planning Fund is transferred to the Demolition allocation of the Housing Development Fund. Amend the 2013-14 and 2014-15 CDBG by transferring \$25,000 from 2013-14 and \$50,000 from 2014-15 Fire Department Small Equipment allocation of General Community Needs to the Business Development Loan and Grant Program of Promote Economic Stability.

Section 2. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 3. This ordinance shall take effect immediately.

Held in committee.

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By Councilmember Haag  
May 19, 2015

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 151 - Authorizing an agreement with Vanguard Engineering PC for resident project representation services for the Cobbs Hill/Nunda Neighborhood Street Lighting Project and the Cobbs Hill Drive Curb Replacement Project

Int. No. 152 - Authorizing an amendatory professional services agreement for the Turning Point Park Trailhead Parking Lot Expansion Project

Int. No. 153 - Authorizing a professional services agreement with T.Y. Lin International for the Parking Garage Repair and Reconstruction Program

Int. No. 154 - Authorizing agreements and appropriating funds for the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street)

May 19, 2015

Int. No. 155 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$314,000 bonds of said City to finance the costs of construction of streets as part of the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street) as amended

Int. No. 156 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,233,000 bonds of said City to finance the costs of construction of water mains as part of the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street) as amended

Int. No. 157 - Appropriating funds for street improvement projects from anticipated reimbursements from the Rochester Pure Waters District

Int. No. 158 - Authorizing a professional services agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture PC for the Cathodic Protection of Conduits 2 & 3 in Rush and Mendon Project

Int. No. 159 - Authorizing an agreement for waste water quality testing services

Int. No. 160 - Amending the Municipal Code with respect to wholesale water rates

Int. No. 161 - Authorizing an agreement for water quality testing services

Int. No. 162 - Authorizing an agreement with Bergmann Associates, P.C. to provide assistance in the development of the City's Climate Action Plan

Int. No. 163 - Amending Ordinance No. 2015-94 and Ordinance No. 2015-95 regarding the environmental investigation and remedial services for the former Emerson Street Landfill

Int. No. 164 - Authorizing an agreement and appropriating funds for the Train Bridge Overlook Project

Int. No. 165 - Authorizing an intermunicipal agreement with the County of Monroe for water testing services at Durand Eastman Beach

Int. No. 177 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of ~~\$2,377,000~~ \$2,237,000 bonds of said City to finance the reconstruction of certain streets related to the 2015 Milling and Resurfacing Program as amended

Int. No. 181 - Amending the 2014-15 Budget to transfer funds from Contingency to Cash Capital

The Jobs, Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 166 - Local Improvement Ordinance establishing the cost of the special work and services of the Downtown Enhancement District

Respectfully submitted,

Matt Haag

Elaine M. Spaul

Michael A. Patterson

Dana K. Miller

Loretta C. Scott

PARK & PUBLIC WORKS COMMITTEE

May 19, 2015

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-126  
Re: Agreement - Vanguard Engineering,  
PC, Cobbs Hill/Nunda Neighborhood  
Street Lighting and Cobbs Hill Drive  
Curb Replacement Projects

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$170,000 as maximum compensation for an agreement with Vanguard Engineering, PC, Rochester, New York, for resident project representation (RPR) services for the Cobbs Hill/Nunda Neighborhood Street Lighting and Cobbs Hill Drive Curb Replacement projects. The agreement will be funded as follows: 2014-15 Cash Capital (\$85,000), 2013-14 Cash Capital Water Fund (\$17,000), 2012-13 Cash Capital (\$17,000), Bond Ordinance No. 2008-129 for street lighting improvements (\$39,300) and Local Improvement Ordinance No. 1677 (\$11,700).

The Cobbs Hill/Nunda Neighborhood Street Lighting Project includes installing new concrete lighting poles, new fixtures with LED lamps, and conduit system, replacement of hazardous sidewalks in select locations, drainage improvements and installation of sidewalk ramps. Bids for construction were received on April 7, 2015 with M.L. Caccamise Electric Corporation submitting the apparent low bid of \$522,224. The separately purchased street lighting materials including concrete poles and LED Harp fixtures are partially funded from the Local Improvement Ordinance No. 1677 and valued at \$230,300. Construction of the Cobbs Hill/Nunda Neighborhood Street Lighting Project is expected to begin in late spring 2015 and be complete in fall 2015. The affected streets are listed below:

<u>Street</u>	<u>From</u>	<u>To</u>
Beckwith Terrace	Cobbs Hill Drive	Winton Road N.
Bengal Terrace	Hillside Avenue	South End City Line
Castlebar Road	Cobbs Hill Drive	Winton Road N.
Cobbs Hill Drive	Hillside Avenue	Highland Avenue
Nunda Boulevard	Cobbs Hill Drive	Winton Road N.
Pinnard Street	Bengal Terrace	Cobbs Hill Drive
Rosegrey Terrace	San Gabriel Drive	Beckwith Terrace
San Gabriel Drive	Cobbs Hill Drive	Winton Road N.

The Cobbs Hill Drive Curb Replacement Project includes: new granite stone curbs, underdrain, concrete sidewalk, driveway aprons, water main, catch basins, and lawn restoration. Construction is anticipated in summer 2015 at an estimated cost of \$695,000 with planned completion in spring 2016.

Vanguard was selected for RPR services through a request for proposal process, which is described in the attached summary. The RPR services agreement will result in the creation and/or retention of the equivalent of 1.9 full-time jobs.

May 19, 2015

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-78

Ordinance No. 2015-126  
(Int. No. 151)

**Authorizing an agreement with Vanguard Engineering PC for resident project representation services for the Cobbs Hill/Nunda Neighborhood Street Lighting Project and the Cobbs Hill Drive Curb Replacement Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Vanguard Engineering PC for resident project representation services for the Cobbs Hill/Nunda Neighborhood Street Lighting Project and the Cobbs Hill Drive Curb Replacement Project in the maximum amount of \$170,000. The agreement shall be funded as follows: 2014-15 Cash Capital (\$85,000), 2013-14 Cash Capital Water Fund (\$17,000), 2012-13 Cash Capital (\$17,000), funds appropriated by Bond Ord. No. 2008-129 for street lighting improvements (\$39,300) and special assessment funds authorized by Local Improvement Ordinance No. 1677 (\$11,700).

Section 2. The agreement may extend until three months after completion and acceptance of a two year guarantee inspection of the Project.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-127  
Re: Amendatory Agreement - Stantec  
Consulting Services, Turning Point  
Park Improvements Project

Council Priority: Creating and  
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Turning Point Park Improvements Project. This legislation will establish \$37,000 as maximum compensation for an amendatory agreement with Stantec Consulting Services for additional resident project representation (RPR) services. The original agreement was \$68,000 (Ord. No. 2014-183); the amendment increases the total maximum compensation for RPR services to \$105,000. The RPR amendment requested herein will be funded from 2011-12 Cash Capital (\$13,000) and Prior Years' Cash Capital (\$24,000).



May 19, 2015

Stantec Consulting Services' design of this project began in 2009 (Ord. No 2009-320), and included assisting the City in securing a New York State Environmental Facilities Corporation 2010 Green Innovation Grant in the amount of \$552,000 to fund a portion of the park improvements (Ord. No. 2011-303). The design agreement was later amended to incorporate the additional grant requirements in the construction and an expanded scope of improvements (Ord. No. 2011-397).

The improvements to Turning Point Park include: a porous pavement parking lot; new porous pavement sidewalks on Boxart Street; associated improvements to trails; rain gardens; a scenic overlook; and educational signage. The planned parking lot will accommodate approximately 40 parking spaces, an increase from the current parking capacity of 32 spaces.

Hydrolawn of Buffalo (Hydrolawn) was awarded the contract valued at \$527,000 in summer 2014, with scheduled completion in fall 2014. Hydrolawn later defaulted on their contract, and did not complete the work as anticipated. Hydrolawn's bond company is now responsible for work and has scheduled completion in late spring 2015. To date, Hydrolawn has been assessed \$12,000 in liquidated damages for the 2014 delays with additional liquidated damages at \$500 per day for the 2015 construction delays. The liquidated damages will be withheld from the final payment to the bond company and fund a portion of the additional RPR costs requested herein, with the remainder funded from project contingencies. It is not anticipated that the City will incur additional costs as a result of Hydrolawn's default and the extended construction time.

This amendatory agreement for RPR services will fund the additional staffing needed during the extended construction schedule and the additional work required as a result of the default. The agreement will result in the creation and/or retention of the equivalent of 0.4 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-127  
(Int. No. 152)

**Authorizing an amendatory professional services agreement for the Turning Point Park Trailhead Parking Lot Expansion Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the Turning Point Park Trailhead Parking Lot Expansion Project. The amendment shall increase the maximum amount by \$37,000 to a total of \$105,000. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded by \$13,000 from the 2011-12 Cash Capital allocation and \$24,000 from prior years Cash Capital.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

May 19, 2015

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-128  
Re: Agreement - T.Y. Lin International,  
Garage Repair and Reconstruction  
Program

Transmitted herewith for your approval is legislation establishing \$153,000 as maximum compensation for an agreement with T.Y. Lin International, Rochester, New York, for resident project representation (RPR) services for the Garage Repair and Reconstruction Program. The term of the agreement will be for one year with four optional one year renewals. The cost of the agreement will be funded from the 2014-15 Parking Cash Capital allocation, and any renewals will be funded from the Parking Cash Capital allocation of subsequent budgets, contingent upon the adoption of said budgets, or a bond ordinance to be issued for the Garage Repair and Reconstruction Program.

In 2014, the City retained T.Y. Lin International for a multi-year agreement for planning and design services for the garage program (Ord. No. 2014-345). Under the agreement, T.Y. Lin International is currently performing comprehensive garage inspections, condition ratings, prioritization, structural design and developing both the annual and five-year long-term capital program for the City garages.

The annual garage maintenance contract is derived from this program and includes reconstruction and repair work to the City's eight garages: Genesee Crossroads, Mortimer, High Falls, South Avenue, East End, Washington Square, Sister Cities and Court Street (Bausch & Lomb).

Proposed work in the garages will involve post-tensioned tendon repairs, deck waterproofing and sealing; repair to structural components; expansion joint repair; structural façade repairs and waterproofing; mechanical, electrical and plumbing system repairs; masonry repair; and elevator repairs and replacements. The estimated construction value for the 2015 garage maintenance contracts is \$1,159,000.

T.Y. Lin International was selected for RPR services based on its familiarity with the project. A full justification for not issuing a request for proposals is attached.

It is anticipated that construction will begin in June 2015 with completion in January 2016. The number of jobs created and/or retained through this RPR agreement is 1.6 full-time positions.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-79

Ordinance No. 2015-128  
(Int. No. 153)

**Authorizing a professional services agreement with T.Y. Lin International for the Parking Garage Repair and Reconstruction Program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

May 19, 2015

Section 1. The Mayor is hereby authorized to enter into a professional services agreement between the City and T.Y. Lin International for resident project representation services for the Parking Garage Repair and Reconstruction Program. The agreement shall have a maximum amount of \$153,000. The agreement shall have a term of one year with four optional one year renewals. The cost of the agreement shall be funded from the 2014-15 Parking Cash Capital allocation, and any renewals shall be funded from the Parking Cash Capital allocations in subsequent budgets, contingent upon the adoption of said budgets, or a bond ordinance to be adopted for the repair and reconstruction of parking facilities.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-129,  
Ordinance No. 2015-130 and  
Ordinance No. 2015-131  
Re: Ridgeway Avenue Transportation  
Improvement Project (Ramona  
Street - Minder Street)

Council Priority: Jobs and Economic  
Development

Transmitted herewith for your approval is legislation related to the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street). This legislation will:

1. Appropriate \$5,846,060 from anticipated reimbursements from the Federal Highway Administration (FHWA) to finance the federal share of the project; and
2. Appropriate \$1,096,136 from anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance the NYS share of the project; and
3. Authorize the issuance of bonds totaling \$314,000 and the appropriate the proceeds thereof to finance the local share of the street improvements; and
4. Authorize the issuance of bonds totaling \$1,233,000 and the appropriate the proceeds thereof to finance the local share of the water improvements; and
5. Establish \$998,000 as maximum compensation for an agreement with Stantec Consulting Services for resident project representation (RPR) services.

This federal aid project, administered by the City through the NYS Department of Transportation, is identified in the City's current Capital Improvement Program. The City is qualified to receive up to 80% of the eligible project costs from the FHWA and up to 75% of the eligible local share project costs from the NYS Marchiselli Aid Program.

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Project participation and design services were authorized via Ordinance Nos. 2008-179, 2010-333 and 2014-320. Design agreements with Rochester & Southern Railroad, Inc. and CSX Railroad were authorized in Ordinance No. 2010-17 and Ordinance No. 2014-320, respectfully.

The project features include: rehabilitation and reconstruction of the pavement, reconfiguration of the roadway, and improvements to the intersection, drainage system, curb, traffic signal, signage, sidewalk, streetscape, landscaping, and water distribution system. The City will be reimbursed from the Rochester Pure Waters District for their portion of the drainage system improvements.

Stantec Consulting Services was selected to provide RPR services through a request for proposal process, which is described in the attached summary. Funding for the agreement is shown in the table below.

Bids for construction were received on April 16, 2015. The apparent low bid of \$5,888,888 was submitted by Mark Cerrone, Inc. which is 13 % less than the engineer's estimate. An additional \$443,598 will be allocated for contingencies including street lighting, tree plantings and City administration reimbursements.

Funding for the project is as follows:

<u>Source</u>	<u>Construction</u>	<u>Contingency and City Administration</u>	<u>RPR</u>	<u>Future Railroad Agreements</u>	<u>Total</u>
FHWA	\$3,903,976	\$320,484	\$661,600	\$ 960,000	\$5,846,060
NYS	731,996	60,090	124,050	180,000	1,096,136
Street Bond	196,604	20,346	37,050	60,000	314,000
Water Bond	1,019,590	40,610	172,800	0	1,233,000
County Traffic	14,948	1,192	2,500	0	18,640
RPWD	<u>21,774</u>	<u>876</u>	<u>0</u>	<u>0</u>	<u>22,650</u>
Total	\$5,888,888	\$443,598	\$998,000	\$1,200,000	\$8,530,486

Rochester & Southern Railroad and CSX Railroad will be undertaking improvements as part of this project and agreements to authorize that work will be requested in future legislation.

The project will begin construction in late spring 2015, and will be substantially complete by the fall of 2016. The project's construction and RPR services will result in the creation and/or retention of the equivalent of 79.6 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-80

Ordinance No. 2015-129  
(Int. No. 154)

**Authorizing agreements and appropriating funds for the Ridgeway Avenue  
Transportation Improvement Project (Ramona Street - Minder Street)**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

May 19, 2015

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services Inc. for Resident Project Representation (RPR) services for the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street) in a maximum amount of \$998,000. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. The cost of said agreement shall be funded by \$661,600 from anticipated reimbursements to be received from the Federal Highway Administration; \$124,050 from anticipated reimbursements to be received from New York State; \$37,050 from funds appropriated by a bond ordinance to be adopted for the street improvements of this project; \$172,800 from funds appropriated by a bond ordinance to be adopted for the water improvements of this project; and \$2,500 from anticipated reimbursements from Monroe County for this project.

Section 2. The sum of \$1,096,136 is hereby appropriated from anticipated reimbursements to be received from the New York State Marchiselli Aid Program to finance a portion of the costs of the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street).

Section 3. The sum of \$5,846,060 is hereby appropriated from anticipated reimbursements to be received from the Federal Highway Administration to finance a portion of the costs of the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street). The Mayor is hereby authorized to enter into an agreement for the receipt and use of said funds.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2015-130  
(Int. No. 155, as amended)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$314,000 bonds of said City to finance the costs of construction of streets as part of the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street)**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of construction of streets as part of the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street) ("the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$8,530,487, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,233,000 bonds of the City to finance water main construction as part of said Project, \$314,000 bonds of the City to finance street construction as part of said Project, \$5,846,060 in funds to be received from the Federal Highway Administration, \$1,096,136 in anticipated reimbursements from the New York State Marchiselli Aid Program, \$18,640 in funds to be received from Monroe County and \$22,650 in funds to be received from the Rochester Pure Waters District, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$314,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of

the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$314,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20 of the Local Finance Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

May 19, 2015

New text is underlined

Passed unanimously.

Ordinance No. 2015-131  
(Int. No. 156, as amended)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,233,000 bonds of said City to finance the costs of construction of water mains as part of the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street) as amended**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of construction of water mains as part of the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street) ("the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$8,530,487, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,233,000 bonds of the City to finance water main construction as part of said Project, \$314,000 bonds of the City to finance street construction as part of said Project, \$5,846,060 in funds to be received from the Federal Highway Administration, \$1,096,136 in anticipated reimbursements from the New York State Marchiselli Aid Program, \$18,640 in funds to be received from Monroe County and \$22,650 in funds to be received from the Rochester Pure Waters District, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,233,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,233,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a.1 of the Local Finance Law, is 40 years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and

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redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

New text is underlined

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-132  
Re: Agreement - Rochester Pure Waters  
District, Street Improvement Projects

Transmitted herewith for your approval is legislation authorizing the receipt and use of \$750,000 in anticipated reimbursements from the Rochester Pure Waters District (RPWD) to fund eligible portions of sewer costs on street improvement projects in accordance with the agreement authorized in Ordinance No. 2010-438.

Street improvements can require ancillary repairs to the sewer system including adjustments, repairs, replacements, and improvements to the sewer system manholes and catch basins. In the agreement referenced above, RPWD assumed responsibility for these maintenance costs and agreed to reimburse the City annually for the work.



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The street improvement projects eligible for the RPWD reimbursement appropriated herein include, but are not limited to, the following projects:

- Arlington Street
- Asphalt Milling and Resurfacing 2015 Preventive Maintenance Contract 1
- Asphalt Milling and Resurfacing 2015 Preventive Maintenance Contract 2
- Asphalt Milling and Resurfacing 2015 Preventive Maintenance Crittenden Boulevard
- Asphalt Milling and Resurfacing City Residential Contract 1
- Asphalt Milling and Resurfacing City Residential Contract 2
- Cobbs Hill Drive Lighting and Street Improvements
- Center City Two Way Conversion Phase 2
- Hinchey Street Group
- Lake Avenue
- Portland Avenue Revitalization
- Ridgeway Avenue

Construction is planned to begin during the 2015 construction season. The sewer improvements will result in the creation and/or retention of the equivalent of 8.2 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-132  
(Int. No. 157)

**Appropriating funds for street improvement projects from anticipated reimbursements from the Rochester Pure Waters District**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$750,000 in anticipated reimbursements from the Rochester Pure Waters District pursuant to the agreement authorized by Ordinance No. 2010-438 is hereby appropriated to fund eligible portions of sewer costs of street improvement projects.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-133  
Re: Agreement - Wendel WD Architecture,  
Engineering, Surveying & Landscape  
Architecture, PC, Cathodic Protection  
of Conduits 2 and 3 in Rush and  
Mendon

Transmitted herewith for your approval is legislation establishing \$300,000 as maximum compensation for an agreement with Wendel WD Architecture, Engineering, Surveying & Landscape

May 19, 2015

Architecture, PC (Wendel), Rochester, New York, to provide engineering design services for a cathodic protection system that will prevent further corrosion of approximately four miles each of water-supply Conduits 2 and 3 located within the towns of Rush and Mendon. The cost of this agreement will be financed from Bond Ordinance No. 2005-361.

Approximately 26 miles of Conduits 2 and 3, from the south end of the conduit system near Hemlock Lake to New York State Route 65 (Clover Street) in Mendon, were cathodically protected in 2006 to inhibit external corrosion of the water mains, which are over 100 years old. This current project will involve surveying and mapping the remaining unprotected sections of Conduits 2 and 3 between Clover Street and the Rush Reservoir, and designing a cathodic protection system and several conduit interconnections to improve hydraulic operations and system redundancy when a section of conduit needs to be temporarily shut down for repair or maintenance. The cathodic protection system and conduit interconnections are anticipated to be constructed by the Water Bureau's Upland Operations Supply and Maintenance Division after the final design has been completed.

Wendel was selected for these design services through a request for proposal process, which is described in the attached summary. The agreement may extend until twelve months after acceptance of the final design documentation.

Preliminary design will begin in summer 2015, with final design completed by summer 2016. The agreement will result in the creation and/or retention of the equivalent of 3.2 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-81

Ordinance No. 2015-133  
(Int. No. 158)

**Authorizing a professional services agreement with Wendel WD Architecture,  
Engineering, Surveying & Landscape Architecture PC for the Cathodic Protection of  
Conduits 2 & 3 in Rush and Mendon Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement between the City and Wendel WD Architecture, Engineering Surveying & Landscape Architecture PC for engineering design services for the Cathodic Protection of Conduits 2 & 3 in Rush and Mendon Project. The maximum amount shall be \$300,000. The agreement may extend until 12 months after acceptance of final design documentation. The cost of the agreement shall be funded by bond funds appropriated by Ordinance No. 2005-361.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

May 19, 2015

Ladies and Gentlemen:

Ordinance No. 2015-134  
Re: Agreement- Life Science  
Laboratories, Inc., Waste  
Water Testing Services

Transmitted herewith for your approval is legislation establishing \$1,500 as maximum compensation for an agreement with Life Science Laboratories, Inc., Wayland, New York, for waste water quality testing services at the Hemlock Water Filtration Plant. The term of this agreement shall be for one year, with the option of extending the agreement for two additional one year terms. The agreement will be funded from the 2014-15 Budget of the Department of Environmental Services (DES), and any renewals will be funded from subsequent budgets of DES, contingent upon adoption of said budgets.

In order to comply with the City's National Pollutant Discharge Elimination System (NPDES) permit, backwash water must be tested twice monthly before it re-enters Hemlock Lake. Life Science Laboratories, Inc. is approved for the analysis of waste water in conformance with the National Environmental Laboratory Accreditation Conference and the New York State Department of Health Environmental Laboratory Approval Program. City Council previously approved a similar agreement in April 2012 (Ord. No. 2012-151). It is anticipated that this testing requirement will be necessary for the life of the Hemlock Water Filtration Plant.

Life Science Laboratories, Inc. was selected through a request for proposals process, which is described in the attached summary. The firm was chosen primarily because of its lower cost, close proximity to the Hemlock Water Filtration Plant and its past history of providing excellent analytical services to the Water Bureau.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-82

Ordinance No. 2015-134  
(Int. No. 159)

**Authorizing an agreement for waste water quality testing services**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement between the City and Life Science Laboratories, Inc. for waste water quality testing services. The maximum annual amount shall be \$1,500. The term of the agreement shall be one year with two optional one year renewals. Said amount shall be funded from the 2014-15 Budget of the Department of Environmental services and any renewal period shall be funded from future Budgets contingent upon adoption thereof.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

May 19, 2015

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-135  
Re: Code Amendment - Wholesale Water  
Rate Increase, Town and Village  
of Lima

Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for Water Districts 1 and 2 in the Town of Lima (including the Village of Lima). The current rate of \$1.55 per 1,000 gallons was approved by Council in April 2014 (Ord. No. 2014-87). This amendment will increase that amount by 1.62%, based on the Consumer Price Index (CPI) for the 2014 calendar year. This equals a \$0.03 increase for a proposed rate of \$1.58 per 1,000 gallons.

Lima consumed approximately 70,287,000 gallons of water in 2014. The new rate will be effective July 1, 2015, and is expected to result in an additional \$2,100 in revenue.

Future rate adjustments to the wholesale rate will be based upon changes in the CPI. Rate changes are expected to be proposed on an annual basis for Lima.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-135  
(Int. No. 160)

**Amending the Municipal Code with respect to wholesale water rates**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

(9) Wholesale rate: ~~\$1.55~~ \$1.58 per 1,000 gallons for Water Districts 1 and 2 of the Town of Lima.

Section 2. This ordinance shall take effect on July 1, 2015.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

May 19, 2015

Ordinance No. 2015-136  
Re: Agreement - Eurofins Eaton  
Analytical, Inc., Water Quality  
Testing Services

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Eurofins Eaton Analytical, Inc. (formerly Underwriters Laboratory), South Bend, Indiana, for water quality testing services at the Hemlock Water Filtration Plant. The term of this agreement will be for one year, with the option of extending the agreement for two additional one year terms. The agreement will be funded from the 2014-15 Budget of the Department of Environmental Services (DES), and any renewals will be funded from subsequent budgets of DES, contingent upon adoption of said budgets.

As part of the New York State Sanitary Code (SSC), Title 10 NYCRR, Part 5, Subpart 5-1, Public Water Systems must perform system-wide water quality monitoring. Much of this monitoring stems from requirements from the U.S. Environmental Protection Agency and consists of testing for chlorine disinfection by-products, lead, copper and other contaminants, as required for the City's Annual Water Quality Report. The requirements are very stringent and compliance is critical to the safety of the drinking water. Although the Water Bureau maintains a New York State accredited laboratory, it is impractical and very expensive to test for all of the requirements in the SSC. As a result, the Water Bureau contracts with an outside testing lab each year. City Council previously approved a similar agreement in April 2014 via Ordinance No. 2014-89. It is anticipated that this testing requirement will be required for the duration of the life of the Hemlock Water Filtration Plant.

Through a request for proposal process in 2014, the City selected Pace Analytical for water quality testing services. Unfortunately, Pace Analytical's performance did not meet the Water Bureau's standards, which are based upon the stringent water quality requirements noted above. For this reason, their contract was not continued and the City chose Eurofins Eaton Analytical, Inc., the second and only other lab who submitted a proposal in 2014, to provide these water testing services. This laboratory was used by the Water Bureau prior to the most recent contract, and has always provided impeccable service.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-136  
(Int. No. 161)

#### **Authorizing an agreement for water quality testing services**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement between the City and Eurofins Eaton Analytical, Inc. for water quality testing services. The maximum annual amount shall be \$15,000. The term of the agreement shall be one year with two optional one year renewals. Said amount shall be funded from the 2014-15 Budget of the Department of Environmental services and any renewal period shall be funded from future Budgets contingent upon adoption thereof.

May 19, 2015

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-137  
Re: Agreement - Bergmann Associates,  
Community-Wide Climate Action  
Plan

Transmitted herewith for your approval is legislation establishing \$109,000 as maximum compensation for an agreement with Bergmann Associates, Rochester, New York, for the development of a community-wide climate action plan (CAP). The cost of the agreement will be financed from \$100,000 in New York State Energy Research and Development Authority (NYSERDA) Cleaner, Greener Communities grant funds appropriated in September 2014 via Ordinance No. 2014-287 and \$9,000 from 2014-15 Cash Capital. The agreement will have an initial term of three years with the option to renew for an additional two year period.

NYSERDA's Cleaner, Greener Communities grant is designed to promote community planning projects that will align with regional sustainability goals and lead to community-wide reductions of greenhouse gas emissions. The community-wide CAP will create an integrated framework for the city to mitigate greenhouse gas emissions, adapt to climate change and spur economic growth. It will use knowledge gained from the City of Rochester's past sustainability efforts, such as the CAP for City facilities and operations, and sustainability models from both the Rochester Energy Plan and Finger Lakes Regional Sustainability Plan. The community-wide CAP includes the following tasks:

1. Complete a community-wide Greenhouse Gas Emissions Inventory Report;
2. Work with community stakeholders to develop a set of goals, strategies and actions that will reduce greenhouse gas emissions and move Rochester toward being a more sustainable city; and
3. Prepare a City of Rochester community-wide CAP that describes current greenhouse gas emissions and forecasts future emissions; identifies a target greenhouse gas reduction goal; and provides specific approaches to meet the target reduction goal.

Bergmann Associates will work in conjunction with the Department of Environmental Services (DES) Division of Environmental Quality and the Department of Neighborhood and Business Development Bureau of Planning and Zoning to develop the CAP. It is anticipated that the final CAP will be adopted as part of the City's comprehensive plan.

DES issued a request for proposals for this project, as described in the attached summary. Bergmann Associates, teaming with the Brendle Group, was selected based on its experience working on planning projects in the local community, expertise in stakeholder engagement, ability to meet the City's schedule, and the quality and cost of the proposal. The Brendle Group has extensive expertise preparing community-wide CAPs for cities.

May 19, 2015

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-83

Ordinance No. 2015-137  
(Int. No. 162)

**Authorizing an agreement with Bergmann Associates, P.C. to provide assistance in the development of the City's Climate Action Plan**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement between the City and Bergmann Associates, P.C. to provide assistance in the development of the City's Climate Action Plan. The maximum amount shall be \$109,000. Said amount shall be funded by \$100,000 in funds from the New York state Energy Research and Development Authority appropriated in Ordinance No. 2014-287, and \$9,000 from the 2014-15 Cash Capital allocation. The agreement shall have a term of 3 years with an option to renew for an additional 2 years.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-138  
Re: Amending Ordinance Nos. 2015-94  
and 2015-95- Former Emerson Street  
Landfill, Technical Corrections

Transmitted herewith for your approval is legislation amending Ordinance Nos. 2015-94 and 2015-95 which were adopted in April 2015, to correct references to previously authorized bond ordinances as the source of funds for the additional environmental cleanup of the Former Emerson Street Landfill (FESL). This legislation will:

1. Amend Ordinance No. 2015-94, Section 1 to correct the reference to the previously authorized bond from Ordinance No. 2012-27 to Ordinance No. 2012-26; and
2. Amend Ordinance No. 2015-95, Section 1 to correct the reference to the previously authorized bond from Ordinance No. 2012-27 to Ordinance No. 2012-26.

Ordinance No. 2015-26 will finance the balance of the agreement with LaBella Associates (\$528,200) for additional soil vapor intrusion assessment and mitigation services, and remedial and pre-remedial services at the FESL. LaBella Associates was first selected for this work via Ordinance No. 2010-14. However, this original agreement is referenced incorrectly in the transmittal as Ordinance

May 19, 2015

No. 2010-13. The correction to the transmittal for Ordinance Nos. 2015-94 and 2015-95 is noted herein to clarify the record of agreements and events related to the FESL.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-138  
(Int. No. 163)

**Amending Ordinance No. 2015-94 and Ordinance No. 2015-95 regarding the environmental investigation and remedial services for the former Emerson Street Landfill**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 1 of Ordinance No. 2015-94 is hereby amended to correct the reference therein to a prior bond ordinance as follows:

*Section 1. The Mayor is hereby authorized to enter into a professional services agreement with LaBella Associates, DPC for environmental investigation and remedial services for the former Emerson Street Landfill. The maximum amount shall be \$1,223,000. The agreement shall extend for a term of 3 years, with options to renew for an additional 2 year term. Said amount shall be funded by \$528,200 appropriated by Bond Ordinance No. 2012-2726 and Bond Ordinance No. 2010-14 for this project and by \$694,800 from a bond ordinance to be adopted for this purpose.*

Section 2. Section 1 of Ordinance No. 2015-95 is hereby amended to correct the reference therein to a prior bond ordinance as follows:

*Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the additional cost of the environmental investigation, mitigation and remedial services for the former Emerson Street Landfill in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,223,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$694,800 bonds of the City, together with the application of \$528,200 bonds previously appropriated in Ordinance No. 2012-2726 and Bond Ordinance No. 2010-14 and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.*

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-139  
Re: Agreement - New York State  
Department of State, Fiscal Year  
2015 Local Waterfront Revitalization



May 19, 2015

Program Grant

Council Priority: Creating and Sustaining  
a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of State (NYSDOS) for the receipt and use of \$200,000 from the Fiscal Year 2015 Local Waterfront Revitalization Program (LWRP) grant. These funds will partially reimburse the cost of the Train Bridge Overlook Project.

The Train Bridge Overlook Project will reuse the abutment of the former CSX Railroad swing bridge for pedestrian waterfront access to the Genesee River. As part of the City's LWRP, the NYSDOS will reimburse the City for 50% of the cost of the design and construction of the project. These funds are provided under NYS Title 11 of the Environmental Protection Fund for municipal LWRPs. The local match will be funded from 2015-16 Cash Capital, contingent upon adoption of said budget.

It is anticipated that the Train Bridge Overlook Project will be completed in sufficient time for the City to submit all reporting requirements and vouchers for reimbursement by the grant deadline of March 31, 2018. The grant funds will result in the creation and/or retention of the equivalent of 2.2 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-139  
(Int. No. 164)

**Authorizing an agreement and appropriating funds for the Train Bridge Overlook Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with New York State Department of State for the receipt and use of \$200,000 in anticipated reimbursements from the Local Waterfront Revitalization Program for the Train Bridge Overlook Project, and said amount is hereby appropriated for said purpose.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-140  
Re: Intermunicipal Agreement - Monroe  
County, Durand Eastman Beach  
Water Testing

May 19, 2015

Council Priority: Creating and Sustaining  
a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an intermunicipal agreement with Monroe County for water testing services at Durand Eastman Beach. The cost of this agreement will be funded from the 2014-15 and 2015-16 Budgets of the Department of Recreation and Youth Services (DRYS), contingent upon approval of the latter budget. The term of this agreement will be for one year, with the option of three one-year renewals. The optional renewals would be funded from subsequent budgets of DRYS, contingent upon their approval.

Under the agreement, the County Health Department will collect water samples daily at locations determined by the Health Department along the beach. This data, and historical data, will be used for making decisions on whether to open or close the beach for water quality reasons, in the same manner as decisions are made for Ontario Beach. In addition, the County will continue to make available to the public a telephone hot-line which includes both Ontario and Durand Beach information.

The most recent Council approval for these services was in June 16, 2009 via Ordinance No. 2009-202.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-140  
(Int. No. 165)

**Authorizing an intermunicipal agreement with the County of Monroe for water testing services at Durand Eastman Beach**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for water testing services at Durand Eastman Beach in the maximum amount of \$10,000. The agreement shall have a term of 1 year with three optional 1 year renewals. The cost of the agreement shall be funded from the 2014-15 and 2015-16 Budget of the Department of Recreation and Youth Services and any renewal shall be funded from the future Budgets of said Department contingent upon adoption thereof.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-141  
Re: 2015 Milling and Resurfacing,

May 19, 2015

### Residential Street Improvements

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$2,237,000 and appropriating the proceeds thereof to partially finance the Milling and Resurfacing 2015, Residential Street Improvements project.

This project consists of milling and resurfacing various city streets; performing spot sidewalk replacement and ramp improvements; repairing curbs; improving catch basins; adjusting water valves; and installing pavement markings and traffic calming features.

The milling and resurfacing program improves the street system and extends the useful life of the city's streets. It is an effective program that reduces long-term street maintenance costs. The list of streets to be partially funded from the bond appropriated herein is attached.

The construction contract includes several traffic calming features which comply with the City's Complete Streets Policy. In the ABC Streets Neighborhood, speed humps, speed cushions (as part of a bike boulevard on Harvard Street) and a new pedestrian refuge island at Harvard and Calumet Streets will be added. In the Park Central Neighborhood, speed cushions and symbols at Canterbury and Harvard Streets will be installed. The Cobbs Hill Neighborhood will get bicycle symbols on the pavement, and Stanton and Sawyer Streets will get speed humps.

Bids for construction were received on April 14, 2015. The apparent low bid of \$1,869,000 was submitted by Sealand Contractors Corp., which is 11% less than the engineer's estimate. An additional \$186,900 will be allocated for contingencies.

The funding sources for the project are as follows:

<u>Funding</u>	<u>Construction</u>	<u>Contingency</u>	<u>Total</u>
Street Bond authorized herein	\$1,515,704	\$721,296	\$2,237,000
2012-13 Cash Capital Water Fund	14,552	0	14,552
2013-14 Cash Capital Water Fund	24,445	3,900	28,345
2014-15 Monroe County Pure Waters	202,258	20,226	222,484
2013-14 Cash Capital	67,634	274	67,908
2014-15 Cash Capital	<u>44,407</u>	<u>11,204</u>	<u>55,611</u>
Total	\$1,869,000	\$756,900	\$2,625,900

A public meeting will be held prior to construction to review the proposed locations of the speed humps, speed cushions and bicycle symbols.

Construction is anticipated to begin in summer 2015, with anticipated completion in spring 2016. This project will result in the creation and/or retention of the equivalent of 20 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-84

Ordinance No. 2015-141  
(Int. No. 177, as amended)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of ~~\$2,377,000~~ \$2,237,000 Bonds of said City to finance the reconstruction of certain streets related to the 2015 Milling and Resurfacing Program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2015 Milling and Resurfacing Program in the City, including those streets as may be identified for inclusion in the Program by the City Engineer (the "Project") and on file in the office of the City Engineer. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,625,900, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of ~~\$2,377,000~~ \$2,237,000 bonds of the City to finance said appropriation; \$14,552 from 2012-13 Water Fund Cash Capital; \$28,345 from 2013-14 Water Fund Cash Capital; \$222,484 from ~~Monroe County Pure Waters~~ Rochester Pure Waters District reimbursements; \$67,908 from 2013-14 Cash Capital; \$55,611 from 2014-15 Cash Capital, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of ~~\$2,377,000~~ \$2,237,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of ~~\$2,377,000~~ \$2,237,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said

May 19, 2015

bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-142  
Re: Budget Amendment - Midtown HVAC  
and Sahlen Stadium Scoreboard

Council Priority: Jobs and Economic  
Development; Creating and Sustaining  
a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending the 2014-15 Budget by transferring \$1,150,000 from Contingency to Cash Capital to fund:

- 1. \$800,000 for design and construction of a new HVAC system in the Midtown Parking Garage, and
- 2. \$350,000 for replacement of the main video display board at Sahlen Stadium.

The underground Midtown Parking Garage is in need of a new HVAC system that meets current code requirements for underground parking ventilation. The new system also is essential for providing heat to protect the structural integrity of the building envelope, aged concrete, and electrical, plumbing, fire protection and elevator piping and components. These funds will provide for the design and construction of the system, construction oversight and commissioning. This project needs to be designed quickly for installation prior to the next heating season to meet code and prevent damage to the garage.

May 19, 2015

The Sahlen Stadium scoreboard is the facility's main video display board and requires complete replacement at a cost of approximately \$350,000.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-142  
(Int. No. 181)

**Amending the 2014-15 Budget to transfer funds from Contingency to Cash Capital**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2014-160, the 2014-15 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,150,000 from the Contingency allocation to Cash Capital to fund capital projects for design and construction of a new HVAC system in the Midtown Parking Garage (\$800,000), and for replacement of the main video display board at Sahlen Stadium (\$350,000).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1705  
Re: Downtown Enhancement District  
2015-16 Budget

Transmitted herewith for your approval is legislation approving the 2015-16 Budget of the Downtown Enhancement District (District) and authorizing the apportionment of the budget costs among the properties within the District.

The District, established in 1989, and reauthorized regularly since then, provides an enhanced level of care and maintenance in the downtown area. These services may include sidewalk cleaning, sweeping, snow removal and litter removal, as well as installation, repair and maintenance of improvements such as benches, planters and street lighting.

The District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and all other properties within 1,600 feet of Main Street that were included in the original enclosed walkway system. The Downtown Enhancement District Advisory Board, consisting of 11 representatives of property owners or tenants, oversees the administration of the program by City staff.

Unless otherwise approved by the advisory board, the annual costs to be assessed are restricted by a formula using the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index (CPI). The total cost is apportioned among the properties, based equally on assessed valuation and gross area of each property. Also, properties directly on Main Street are weighted at twice the factors of other properties.

May 19, 2015

The maximum permissible assessment for 2015-16 based upon the 26 year cumulative increase in the CPI (94.3%) is \$777,200. The recommended assessment is \$604,100, an increase of \$8,300 (1.4%). The advisory board agreed to keep the use of fund balance at \$120,000 to partially offset employee benefits.

<u>Category of Expense</u>	<u>2014-15</u>	<u>2015-16</u>	<u>Variance</u>
Personnel Total	\$641,900	\$639,500	\$-2,400
<i>Salary and wages</i>	<i>426,200</i>	<i>425,100</i>	<i>-1,100</i>
<i>Employee Benefits</i>	<i>215,700</i>	<i>214,400</i>	<i>-1,300</i>
Operational Expenses	128,900	139,600	10,700
<i>Materials and supplies</i>	<i>63,600</i>	<i>61,300</i>	<i>-2,300</i>
<i>Contractual Services</i>	<i>65,300</i>	<i>78,300</i>	<i>13,000</i>
Contingency (wage increase)	0	0	0
Less: Operating Revenues	<u>-55,000</u>	<u>-55,000</u>	<u>0</u>
Net Expense	715,800	724,100	8,300
Less: Use of Fund Balance	<u>-120,000</u>	<u>-120,000</u>	<u>0</u>
Required Assessment	\$595,800	\$604,100	\$8,300

The proposed budget was approved by the Downtown Enhancement District Advisory Board on January 15, 2015 by a vote of 6-0.

A public hearing on the District assessment is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-85

Local Improvement Ordinance No. 1705  
(Int. No. 166)

**Local Improvement Ordinance establishing the cost of the special work and services of the Downtown Enhancement District**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services for the 2015-16 fiscal year for the Downtown Enhancement District to be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444, 1531, 1597 and 1686, is established at \$604,100, except that Zone 2 shall continue to include those properties which have been within the District as a result of their previously having enclosed walkway access to Main Street. Said amount, and the sum of \$120,000 from the fund balance and \$55,000 from operating revenues, or so much thereof as may be necessary, are hereby appropriated to fund the Downtown Enhancement District for the fiscal year.

Section 2. This ordinance shall take effect on July 1, 2015.

Passed unanimously.

May 19, 2015

By Councilmember McFadden  
May 19, 2015

To the Council:

The Public Safety, Youth & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 167 - Authorizing an agreement with LeadsOnline LLC for a retail transactions reporting system

Int. No. 169 - Authorizing agreements for a Summer Literacy Program in R-Centers

Int. No. 170 - Authorizing an agreement with the Monroe County Department of Public Health for the Tobacco Compliance Grant Program

Int. No. 176 - Authorizing an agreement with Hillside Family of Agencies for a Youth Job Readiness Training program as amended

The following entitled legislation is being held in committee:

Int. No. 168 - Authorizing amendatory agreements and appropriating funds for the Summer of Opportunity Youth Program

Respectfully submitted,  
Adam C. McFadden  
Matt Haag  
Elaine M. Spaul  
Dana K. Miller  
Loretta C. Scott  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-143  
Re: Agreement - LeadsOnline, Retail  
Transactions Reporting System

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$34,000 annually as maximum compensation for an agreement with LeadsOnline, Plano, Texas, for continued online reporting of transactions conducted at pawnbrokers, secondhand dealers, and scrap yards. The term of this agreement is three years, and will be funded from the 2014-15 and subsequent Budgets of the Police Department, contingent upon their approval.



May 19, 2015

In March 2012, City Council amended the Municipal Code via Ordinance Nos. 2012-120, 2012-121 and 2012-122, requiring the daily upload of all reportable transactions at pawnbrokers, secondhand dealers and scrap yards to an electronic reporting service provided by the Rochester Police Department (RPD). To ensure compliance, and at the direction of RPD, these establishments are currently using LeadsOnline to report their transactions. This agreement will continue to provide an online database, as required by the Code, and assist RPD in quickly identifying suspicious transactions to improve the likelihood of recovering stolen property.

LeadsOnline serves a dual purpose for RPD by ensuring compliance with City regulations and providing case support for on-going investigations. LeadsOnline provides a suite of query, analytical, and reporting tools with which to analyze transaction data and compliance metrics. Information from LeadsOnline is also accessed by crime analysts and investigators to research transaction logs for stolen property for both local and national transactions, often directly contributing to solvability factors in active investigations.

The term of this agreement will be June 15, 2015 to June 14, 2018.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-86

Ordinance No. 2015-143  
(Int. No. 167)

**Authorizing an agreement with LeadsOnline LLC for a retail transactions reporting system**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$34,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and LeadsOnline LLC for online reporting of transactions conducted by Pawnbrokers, Secondhand Dealers, Junkyard Operators, Junk Dealers and Scrap Processors. Said amount shall be funded from the 2014-15, 2015-16, 2016-17 and 2017-18 Budgets of the Rochester Police Department contingent upon adoption thereof. The term of the agreement shall be from June 15, 2015 through June 14, 2018.

Section 2. The agreement shall have such other terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-144  
Re: Agreements - Summer Literacy  
Program in R-Centers

May 19, 2015

Council Priority: Support the Creation  
of Effective Educational Systems

Transmitted herewith for your approval is legislation related to a Summer Literacy Program in R-Centers:

1. Authorize an agreement with the Rochester City School District (RCSD) for the receipt and use of \$63,200; and
2. Establish \$37,200 as maximum compensation for an agreement with Encompass Resources for Learning, Inc., Henrietta, New York. The term of the agreement will be June 29 through September 30, 2015. Half of the cost of this agreement (\$18,600) will be funded from the amount to be received herein from RCSD, and the other half (\$18,600) will be funded from the 2015-16 Budget of the Department of Recreation and Youth Services (DRYS), contingent upon approval by Council.

The Summer Literacy Program will be modeled after the successful collaboration that RCSD and the Rochester Public Library (RPL) have had in the provision of enhanced summer programming aimed at maintaining and improving children's reading skills. This summer, the RPL plans to operate Learning Labs at five libraries and employ 30 youth as Literacy Aides.

DRYS will replicate this program by establishing summer Learning Labs at four R-Centers (Adams, Flint, Gantt and South) and one summer camp (Lake Riley Lodge). RCSD leadership has identified up to 30 high school students who will be employed as Literacy Aides at the Learning Labs, and serve as tutors, instructors and youth role models for students in grades K-6. The Literacy Aides will work 20 hours per week for seven weeks, at a total cost of \$44,600, including wages, benefits, and program materials.

In addition, Encompass Resources for Learning will implement curriculum-based services for youth in grades K-6 while working closely with the Literacy Aides. Encompass has successfully provided these services to the RPL for the past two summers, and was selected through a request for proposals conducted by the RPL in 2013.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-144  
(Int. No. 169)

**Authorizing agreements for a Summer Literacy Program in R-Centers**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for receipt and use of \$63,200 in anticipated reimbursements to fund a Summer Literacy Program in R-Centers. The agreement shall be for a term of one year.

Section 2. The Mayor is hereby authorized to enter into an agreement with Encompass Resources for Learning Inc. for services related to a Summer Literacy Program in R-Centers. The maximum amount shall be \$37,200. Said amount shall be funded as follows: \$18,600 from the anticipated reimbursements from the Rochester City School District authorized in Section 1 hereof;

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and \$18,600 from the 2015-16 Budget of the Department of Recreation and Youth Services, contingent upon adoption. The agreement shall be for a term June 29, 2015 through September 30, 2015.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-145

Re: Agreement - Monroe County,  
Tobacco Compliance Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the Monroe County Department of Public Health for the receipt and use of up to \$40,000 for a Tobacco Compliance grant. No matching funds are required.

The Department of Public Health will reimburse costs of up to \$40,000 in overtime and fringe benefits (\$29,481 of overtime; \$10,519, fringe) for compliance checks conducted April 1, 2015 through March 31, 2016. This agreement will continue the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco outlets in the City. These inspections track compliance with the age restrictions on tobacco sales by using underage "agents" who attempt to buy tobacco products. Police Officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for compliance with restrictions on product placement, as well as possession of proper documents and certificates.

This enforcement program was most recently approved in November 2014 (Ord. No. 2014-354). During 2014-15, 471 compliance checks were completed.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2015-145  
(Int. No. 170)

**Authorizing an agreement with the Monroe County Department of Public Health for the Tobacco Compliance Grant Program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Monroe County Department of Public Health for receipt and use of \$40,000 of funding for the Tobacco Compliance Grant Program.

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Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-146  
Re: Agreement - Hillside Family of  
Agencies, Youth Job Readiness  
Training

Council Priority: Support the Creation  
of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with the Hillside Family of Agencies' Hillside Work-Scholarship Connection for a Youth Job Readiness Training program. The term of this agreement will be for one year and the cost will be funded from the Job Creation/Youth Development allocation of the 2014-15 Community Development Block Grant (CDBG).

Under the program, Hillside will provide up to 50 high school seniors with 26 hours of job readiness training which will include resume writing; mock interviews; computer-based job searches and applications; communication skills; dealing with problems, opportunities and decisions; and working with others.

Hillside was selected for this service through a request for proposal process which is described in the attached summary.

As necessary with CDBG funding, the City will enter into agreements only with organizations that are in compliance with federal regulations. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-87

Ordinance No. 2015-146  
(Int. No. 176, as amended)

**Authorizing an agreement with Hillside Family of Agencies for a Youth Job Readiness Training program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Hillside Family of Agencies for a Youth Job Readiness Training program. The maximum amount shall be \$25,000.

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The cost of this agreement shall be funded from the Job Creation/ Youth Development Allocation of the 2014-15 Community Development Block Grant (CDBG). The agreement shall have a term of ~~one year~~ not more than nine months.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City will enter into agreements for this program only with organizations that are in compliance with federal regulations. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 168

Re: Amendatory Agreements -  
Summer of Opportunity Program

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the implementation of the 2015 Summer of Opportunity Program (SOOP). This legislation will:

1. Appropriate \$174,000 from the Job Creation/Youth Development Allocation of the 2015-16 Community Development Block Grant (CDBG), contingent upon approval of the Consolidated Community Development Plan by Council;
2. Authorize an amendatory agreement with the New York State Department of Labor (NYS DOL) for the receipt and use of an additional \$50,000 of summer jobs program grant funding (for a total of \$300,000) received through the efforts of Senator Joseph Robach;
3. Authorize amendatory agreements with Baden Street Settlement of Rochester, Inc. to be funded from the NYS DOL funds described above:

<u>Program</u>	<u>Original Amount</u>	<u>Added</u>	<u>Revised Total</u>
Arts and Youth	\$15,654	\$1,600	\$17,254
Multimedia	\$21,205	\$1,800	\$23,005

#### SOOP Program Overview

The City's SOOP collaborates with the separately-funded RochesterWorks' Summer Youth Employment Program (SYEP) to conduct joint recruitment and application intake for all applicants ages 14 to 20 years old seeking summer employment. There are two parts of the program: work experience through external contracts with agencies who take on groups of youth (Tier 1), and direct City-provided jobs (Tier 2). There will be a total of 451 jobs.

In March, Council authorized the acceptance of \$250,000 in NYS DOL grant funding, and approved 13 external agency contracts (Tier 1), serving 221 youth, at a total cost of \$276,091 (Ord. No. 2015-

May 19, 2015

79). Under the two amendatory agreements herein (necessitated due to a calculation error during the request for proposals review), the external agency total is now \$279,491.

Updated Funding Summary

2015-16 Job Creation/Youth Development CDBG	\$174,000
NYS DOL Grant	300,000
2015-16 DRYS Budget (contingent upon Council approval)	<u>51,491</u>
Total Funding	\$525,491

Updated Program Summary

External Agency Contracts (Tier 1)	\$279,491
Internal Jobs (Tier 2)	<u>246,000</u>
Total Program Expenses	\$525,491

Internally Administered Jobs (Tier 2)

Under Tier 2, SOOP jobs are provided by the City and private sector businesses, for a total of 230 positions. These jobs are based on the City pay schedule and payroll is administered directly by the City. Dream BIG<sup>2</sup> (Believe In Guys & Girls) is a program that will focus on life skills enrichment, leadership development and college awareness for youth in the 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> grades. It will serve 40 students for 15 weeks in the fall, and 40 students for 15 weeks in the spring. A \$225 stipend will be given at the end of each 15 week cycle for the students that finish with a 90% attendance rate. SOOP private sector jobs will be contracted out to businesses and employers interested in hiring youth for the summer and year-round. These youth will be paid \$9.00 per hour, 20 hours per week, for 6 weeks.

<u>Program</u>	<u>No. of Youth</u>	<u>Funding</u>
DRYS:	50	
Recreation Youth Worker	15	
Junior Recreation Leader	<u>10</u>	
Biz Kid\$	75	\$126,750
Teens on Patrol (TOPS)	10	18,900
SOOP City Hall	15	28,350
Dream BIG <sup>2</sup>	<u>80</u>	<u>18,000</u>
City subtotal	180	192,000
SOOP Private Sector	<u>50</u>	<u>54,000</u>
Tier 2 Jobs Total	230	\$246,000

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 168

**AUTHORIZING AMENDATORY AGREEMENTS AND APPROPRIATING FUNDS FOR THE SUMMER OF OPPORTUNITY YOUTH PROGRAM**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into amendatory agreements to implement the Summer of Opportunity Youth Program with the organization listed below for the maximum amounts stated below. The cost of said agreements shall be funded by \$3,400 from the funds appropriated in Section 2 of this Ordinance.

May 19, 2015

Baden Street Settlement of Rochester, Inc./Arts and Youth: Original amount \$15,654; added amount \$1,600, new total \$17,254.

Baden Street Settlement of Rochester, Inc./Multimedia; Original amount \$21,205; added amount \$1,800, new total \$23,005.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Department of Labor for the receipt and use of an additional \$50,000 grant for a summer jobs program, and such funds are hereby appropriated for the Summer of Opportunity Youth Program.

Section 3. The sum of \$174,000 is hereby appropriated for the Summer of Opportunity Program from the Job Creation/Youth Development allocation of the 2015-16 Community Development Block Grant contingent upon approval thereof.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The agreements shall be for a term of one year with an option to extend for an additional one year if funds remain in the original appropriation.

Section 6. This ordinance shall take effect immediately.

Held in committee.

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By Councilmember Spaul  
May 19, 2015

To the Council:

The Arts & Culture Committee recommends for Adoption the following entitled legislation:

Int. No. 171 - Authorizing an agreement with the Rochester Philharmonic Orchestra for public concerts

Int. No. 172 - Establishing maximum compensation for a professional services agreement for the Party in the Park ticket sales and box office management

Int. No. 173 - Authorizing an agreement for fireworks displays

Int. No. 174 - Authorizing an agreement for the Maplewood Rose Celebration

Respectfully submitted,  
Elaine M. Spaul  
Adam C. McFadden  
Jacklyn Ortiz  
Dana K. Miller  
Loretta C. Scott  
ARTS & CULTURE COMMITTEE

May 19, 2015

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-147  
Re: Agreement - Rochester Philharmonic  
Orchestra, Music Performances

Council Priority: Creating and Sustaining  
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra (RPO), Rochester, New York, for music performances. The cost of the agreement will be funded from the 2014-15 (\$60,000) and 2015-16 (\$10,000) budgets of the Bureau of Communications, contingent upon approval of the latter budget.

The RPO will provide one full orchestra concert on Main Street for a free performance during the City's 2015 July 4 celebration. In addition, the RPO will present two free "Around the Town" concerts at City R-Centers during the 2015 summer months. Similar concerts were held at R-Centers in 2014 under a separate funding grant secured by the RPO through the ROCmusic program. As ROCmusic is an after-school music education program, this collaboration at R-Centers is a natural fit and should once again be well-received and well-attended. In addition, four ensemble concerts will be scheduled in neighborhood spaces throughout the city.

Similar agreements with the RPO have been authorized annually since 1987. This year's agreement includes the addition of four neighborhood concerts at an additional cost of \$10,000.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-88

Ordinance No. 2015-147  
(Int. No. 171)

**Authorizing an agreement with the Rochester Philharmonic Orchestra for public concerts**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$70,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Philharmonic Orchestra for public concerts. Said amount shall be funded by \$60,000 from the 2014-15 Budget and \$10,000 from the 2015-16 Budget of the Bureau of Communications, contingent upon adoption thereof. The agreement shall have a term of one year.



May 19, 2015

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2015-148  
Re: Agreement - SMG/Blue Cross Arena  
at the War Memorial, Party in the  
Park Box Office and Ticket Sales  
Management Services

Council Priority: Creating and Sustaining  
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$17,800 as maximum compensation for an agreement with SMG/Blue Cross Arena at the War Memorial (Jeff Calkins, Manager) for box office management services and on-site ticket sales during Windstream Party in the Park and ROC the Park events. The cost of this agreement will be funded from the 2014-15 (\$12,800) and 2015-16 (\$5,000) budgets of the Bureau of Communications, contingent upon approval of the latter budget.

SMG will provide on-site ticket sales and dedicated, licensed security personnel for such sales at two to three locations during nine Windstream Party in the Park events and three ROC the Park events. This will include printing tickets, handling cash, managing the box office, and reporting through Ticketmaster, in addition to ticket sales at the Blue Cross Arena at the War Memorial box office.

A similar agreement with SMG was authorized in May 2014 (Ord. No. 2014-153) at a cost of \$14,463. The difference of \$3,337 is largely attributable to the potential addition of a second ticket sales location and additional personnel at the ROC the Park concerts.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-89

Ordinance No. 2015-148  
(Int. No. 172)

**Establishing maximum compensation for a professional services agreement for the Party in the Park ticket sales and box office management**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

May 19, 2015

Section 1. The sum of \$17,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and SMG/Blue Cross Arena at the War Memorial for Party in the Park ticket sales and box office management. Of said amount, \$12,800 shall be funded from the 2014-15 Budget of the Bureau of Communications; \$5,000 shall be funded from the 2015-16 Budget of the Bureau of Communications, contingent upon adoption of said budget. The agreement shall have a term of one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:  
Ladies and Gentlemen:

Ordinance No. 2015-149  
Re: Agreement - Young Explosives  
Corporation, Fireworks Displays

Council Priority: Creating and  
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$47,000 as maximum compensation for an agreement with Young Explosives Corporation, Brighton, New York, to provide fireworks displays. The term of the agreement is one year, and the cost will be funded from the 2015-16 Budget of the Bureau of Communications, contingent upon adoption of said budget.

The firm will provide large aerial fireworks displays on July 4, 2015 and December 31, 2015 and a ground fireworks display on December 5, 2015. The July 4 display will last for about 20 minutes. The December 31 display will be part of the New Year's Eve Celebration in downtown Rochester and will last for about 18 minutes. Both displays will be launched over the Genesee River. The December 5 ground fireworks display will highlight the season opening of the Martin Luther King, Jr. Park Ice Rink.

Young Explosives will be responsible for obtaining the necessary permits from the Fire Department and for acquiring the necessary liability insurance. To be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed; Young Explosives does not employ any persons below the age of 18. The company also has assured us that their domestic purchases come solely from licensed vendors.

The most recent agreement for similar services was authorized in May 2014 (Ord. No. 2014-106). That agreement included \$3,500 for the Department of Recreation and Youth Services to provide fireworks for the Maplewood Rose Celebration. This year, the Maplewood Neighborhood Association will assume that cost.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

May 19, 2015

Attachment No. AO-90

Ordinance No. 2015-149  
(Int. No. 173)

**Authorizing an agreement for fireworks displays**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$47,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for fireworks displays. Said amount shall be funded by \$47,000 from the 2015-16 Budget of the Bureau of Communications, contingent upon adoption of said budget. The term of the agreement shall be one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2015-150  
Re: Agreement - Maplewood Neighborhood  
Association, Maplewood Rose  
Celebration

Council Priority: Creating and  
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$7,500 as maximum compensation for an agreement with the Maplewood Neighborhood Association (MNA) for the provision of services for the Maplewood Rose Celebration. The agreement will have a term of one year and will be funded from the 2014-15 Budget of the Department of Recreation and Youth Services.

The Maplewood Rose Celebration will be held on June 12, 13 and 14, 2015. The MNA will provide booking services, logistical coordination for musical performances throughout the event, and a fireworks display by Young Explosives Corporation, the only fireworks company in the area, on Friday night. MNA was selected for these services based on their familiarity with the event and successful outcomes in previous years. A justification for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AO-91

May 19, 2015

Ordinance No. 2015-150  
(Int. No. 174)

**Authorizing an agreement for the Maplewood Rose Celebration**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Maplewood Neighborhood Association for booking services and logistical coordination for the Maplewood Rose Celebration. Said amount shall be funded from the 2014-15 Budget of the Department of Recreation and Youth Services. The term of the agreement shall be one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:10 p.m.

HAZEL L. WASHINGTON  
City Clerk